

AMENDED IN ASSEMBLY APRIL 21, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Calderon
(Coauthors: Assembly Members Cohn and Reyes)

February 4, 2003

An act to add Section 243.88 to the Penal Code, relating to battery.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Calderon. Battery: anger management.

Existing law proscribes and punishes the crime of battery, including battery committed on school or park property and battery committed against sports officials, as specified.

This bill would provide, in addition, that a spectator at a public recreation facility who commits ~~a~~ *an assault or* battery against ~~any individual officiating for or participating in a sport or recreation activity~~ *a spectator, player, or sports official at an athletic contest* held at the facility ~~shall~~ *may* be required to take up to 12 hours of anger management classes *at the judge's discretion*. The spectator would be required to pay for the cost of these classes. By changing the penalty of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 243.88 is added to the Penal Code, to
2 read:

3 243.88. (a) A spectator at a public recreation facility ~~who~~
4 ~~commits a battery against any individual officiating for or~~
5 ~~participating in a sport or recreation activity is convicted of~~
6 ~~assault, as defined in Section 240, or battery, as defined in Section~~
7 ~~242, against a spectator, player, or sports official at an athletic~~
8 ~~contest held at the facility shall~~ may be required to take up to 12
9 hours of anger management classes *at the judge's discretion*. The
10 spectator shall be required to pay for the cost of these classes.

11 (b) For the purposes of this section, the following terms have
12 the following meanings:

13 (1) ~~“Battery” includes, but is not limited to, the throwing of~~
14 ~~articles in a deliberate or aggressive manner and the physical~~
15 ~~striking of another individual.~~

16 (2) ~~“Recreation” means any voluntary activity which~~
17 ~~contributes to the education, entertainment, or cultural, mental,~~
18 ~~moral, or physical development of the individual, group, or~~
19 ~~community that attends, observes, or participates. “Recreation”~~
20 ~~includes, but is not limited to, any activity in the fields of art,~~
21 ~~athletics, drama, habitat conservation, handicrafts, literature,~~
22 ~~music, nature study, open-space conservation, science, sports, and~~
23 ~~any formal or informal play that includes these activities.~~

24 (3)

25 (1) ~~“Recreation facility” means an area, place, structure, or~~
26 ~~other facility under the jurisdiction of a public agency that is used~~
27 ~~either permanently or temporarily for community recreation, even~~
28 ~~though it may be used for other purposes. “Recreation facility”~~
29 ~~includes, but is not limited to, an arts and crafts room, auditorium,~~
30 ~~beach, camp, community center, golf course, gymnasium, lake,~~
31 ~~meeting place, open space, park, parkway, playground, playing~~
32 ~~court, playing field, recreational reservoir, river, and swimming~~

1 ~~pool~~ athletic contests or practices. A “recreation facility” may be
2 owned or operated jointly by public agencies.

3 ~~(4)~~

4 (2) “Spectator” means a person *in attendance at an athletic*
5 *contest or practice and not on the field of play at a public*
6 *recreation facility, and includes a person officiating or*
7 ~~participating in a sport or recreation activity held at the facility if~~
8 ~~that person commits a battery after leaving the field of play.~~

9 (c) “Sports official” means a person defined by subdivision (b)
10 of Section 243.8.

11 (d) The punishment provided by this section for the offense
12 described in subdivision (a) shall be in addition to, and not in lieu
13 of, any other punishment prescribed for that offense.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

